IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 12598 of 2004

Between:

1 T. Nagesham, S/o. T. Penchalaiah,
R/o. Nandaluru, Nandaluru Mandal,
Cuddapah District.
2 Chandram, S/o. Gangala Gurrappa,
R/o. Nandaluru, Nandaluru Mandal,
Cuddapah District.

... PETITIONERS

AND

1 The District Collector (Panchayat) Cuddapah, Cuddapah District.
2 The Joint Collector, Cuddapah, Cuddapah District.
3 The Chairman, The District Level Committee and Zilla Parishad,
Cuddapah.
4 The District Panchayat Officer, Zilla Parishad, Cuddapah District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, more particularly one in the nature Writ of Mandamus, declaring the action of the respondent authorities again trying to issue notification for auction of sand quarry rights in Nandaluru Left Bank of Cheyyuru River of Nandaluru Grma Panchayat is arbitrary, illegal null and void and violative of the principles of natural justice and norms of Public Policy and violative of Art. 21 of the Constitution of India.

Counsel for the Petitioner: MR.K.VENUGOPAL REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

ORDER:

The present writ petition is filed seeking a Mandamus not to conduct any auction for sand quarry rights in Nandaluru left bank of Cheyyeru River stating that the same was put to auction at the instance of the sand contractors, which is detrimental to the environment. In the year 2003, floodgates of Annamayya Project were broken and the entire project water washed away the agriculture lands and flooded water damaged the houses in the village and no sand quarrying operation can be permitted within 300 meters of any existing civil structure of irrigation source. In view of the same, sand-quarrying rights cannot be auctioned.

2. Learned Government Pleader, on instructions, submits that the authorities, duly taking note of the same situation, are not proposing to auction the sand-quarrying rights in the Nandaluru left bank canal. The same is placed on record.

In view of the same, the writ petition is closed. No order as to costs.

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A. **GOPAL REDDY, J**

September 30, 2004

MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER